



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Dianna Lysius

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

NYC Law Dept
NYC Commission on Human Rights
Philippe Knauth, Holly Ondaan

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights

(Non-Prisoner Complaint)

Case No. **21-cv-7001**
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☒ No
(check one)

Gujarati, J.

Bloom, M.J.

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Dianna Lysius
1280 Croton Loop 13B
Brooklyn Kings
New York 11239
(416) 210-7747
Lysiusd@yahoo

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title
(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address
(if known)

NLC Law Dept

100 Church Street

New York New York

New York 10007

(212)

ServiceECF@law.nyc.gov
Cmackie@law.nyc.gov
Cplattton@law.nyc.gov

Defendant No. 2

Name

Philippe Knabb

Job or Title

Staff Attorney

(if known)

Street Address

401 2nd Avenue S, Suite 407

City and County

Seattle

State and Zip Code

Washington 98104

Telephone Number

(347) 526-3027

E-mail Address

(if known)

Defendant No. 3

Name

Holly Ondaan

Job or Title

(if known)

Street Address

143-19 Rockaway Blvd

City and County

Jamaica Queens

State and Zip Code

Queens 11436

Telephone Number

(718) 813-6208

E-mail Address

(if known)

Vixenh32@yahoo

Defendant No. 4

Name

Carmelyn P. Malalis, Zoey Chentz

Job or Title

Commissioner, Corporate Counsel

(if known)

Street Address

22 Reade Street

City and County

New York, New York

State and Zip Code

New York, 10007

Telephone Number

(212) 306-7450

E-mail Address

(if known)

Zchenitz@ccr.ny.gov

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☒ State or local officials (a § 1983 claim)
☐ Federal officials (a *Bivens* claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Any violation (courts deemed reasonable in my case)
18th Amendment - Defamatory False Statements
8th Amendment - Deprivation Property w/out Due Process
5th & 14th Amendment - Due Process, substantive/procedural
6th & 7th Amendment - Impartial Trial, Hearsay/Deposition

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See attached 4 pages detailing all parties acted beyond the boundaries of law a violation of my civil rights.

Basis for Jurisdiction

D. Section 1983, 42 U.S.C. explanation of how each defendant (ALL PARTIES) acted under color of state or local law as follows. The detail below provides a clear outline about how New York City Commission on Human Rights & New York State Supreme Court, Judge Kevin Kerrigan acted beyond the bounds of lawful authority as outlined in the United States Constitution.

NEW YORK CITY COMMISSION ON HUMAN RIGHTS

New York City Commission on Human Rights employee Philippe Knabb filed a discrimination complaint against me, the petitioner that was followed by an Administrative Trial (non-jury). The complaint alleged that I Dianna Lysius, sent discriminatory text messages to Holly Ondaan during the month of January 2018. NYC Commission on Human Rights proceeded with a 2-day trial during the month of May 2019 & June 2019 and subpoenaed my personal Sprint phone records as evidence to confirm whether the alleged text messages were sent from my phone. For approximately 18 months I continuously reiterated that I did not send the alleged text messages. After a full review of my Sprint phone records, subpoenaed by New York City Commission on Human Rights, and entered into evidence by both parties (complainant/respondent-myself) it was CONFIRMED that the alleged text messages outlined in the complaint were **NOT** sent from my phone. I continuously informed Philippe Knabb and all parties that I never sent the discriminatory text messages prior to trial. In addition, my defense that the entire matter was a MALICIOUS Immigration Fraud Scheme at the hands of Philippe Knabb, Supervising Attorney for the Commission on Human Rights and Holly Ondaan an admissible person who sought loopholes and eventually obtained a green card under false pretenses. Judge John B. Spooner whose signature appears on the Report & Recommendation which was used to write the false decision that defamed my character and hindered my freedom to a normal life, obtaining employment, etc. Which is a violation of my 1st Amendment rights under the Constitution by local officials of the State of New York and City of New York. The email sent September 16, 2019, by Judge Spooner confirmed not only he did not write the Report & Recommendation, but the Federal Government was aware that the Judge did not write the recommendation in the report as well.

The trial Judge John B. Spooner, with knowledge of the immigration fraud scheme informed Department of Homeland Security, Washington, DC who thereafter, reported the matter to the United States Customs and Immigration Office in Vermont, NY for investigation as they too confirmed the immigration fraud. Please see attached Judge John B. Spooner's email on September 16, 2019, and my personal Sprint phone record of incoming calls from both Department of Homeland Security, Washington, DC, and United States Customs & Immigrations Services, Vermont, NY. During the phone call with the Federal Agent from USCIS he informed me to present the matter to State Court of which he is aware of New York City's corruption that will lead to my case being dismissed. However, he assured me to follow all the way through to United States Eastern District Court and file a complaint informing the Federal Court Judge that he awaits all requests and support documentation used by New York City to falsify documents which led to Holly Ondaan obtaining a Green Card under false pretense in conjunction with New York City Commission on Human Rights. He further explained that Philippe Knabb began processing the USCIS Fraudulent Application prior to January 2018, the dates of the alleged discriminatory text messages and ran into a roadblock which led to me becoming the sacrificial lamb; false complaint alleging discriminatory text messages.

Above all, the USCIS Federal Agent BLAINTLY outright informed me of the exact scheme the was done and assured me that I am due to be compensated for civil damages from New York City and be sure to file my appeal and/or present the matter to US Eastern District Court as he awaits ALL REQUESTS. He stated that because my name is on record with the fraudulent application filed with USCIS and I am entitled to have a copy of all documents pertaining my name and he awaits the subpoena to furnish the information in my defense. Also, the Agent asked me if I am willing to testify against New York City because this is a continued bad practice by lawyers specifically the attorneys at The Legal Aid Society as they were already addressed for such practices numerous times with no regard for the lives they damage.

On the day the Report and Recommendation went public, Judge John B. Spooner emailed informed me that await the final decision and I must "appeal" the decision. Minutes later, Department of Homeland Security, Washington, DC called my cell phone informing me that they are aware of the fraud scheme and the matter has been referred to the United States Customs and Immigration Services Office in Vermont, NY. The DHS Agent informed me that a USCIS agent will be calling me shortly and I should keep my lines clear because she called twice before finally reaching me. Within minutes, I received the phone call from the USCIS Federal Agent assigned to the case by Department of Homeland Security, Washington, DC. The USCIS Agent, conducted an interview and informed me of the fraud and directed me that they are aware, and the matter is being investigated. The Agent proceeded to inform me that New York City will make it difficult for me to obtain legal representation, he stated be careful of the lawyer that I retain because they all are connected and will damage my case, which I did experience as detailed in the statement of claim, section B.

As I hired an attorney by the name of Jonathon Rosenberg to respond to Report & Recommendation prior to the final decision I informed him that he must not take part in any of the misconduct. He assured me he would not, but he did.

In November 2020, Zoey Chenitz, Corporate Counsel and Carmelyn P. Malalis Commissioner, for New York City Commission on Human Rights acted under color of law by acting beyond boundary of lawful authority by rendering a decision/order of guilt by denying me, Dianna Lysius, the petitioner my equal protection under the 42 U.S.C. 1983 specifically, 14th Amendment Due Process Clause. A Federal Offense which I ask United States Easter District Court ANSWER.

The decision was rendered arbitrary and capricious, knowingly with malicious intent by referencing Judge John B. Spooner's Report & Recommendation of which the trial transcripts confirmed the Judge did not support the decision. Furthermore, on November 25, 2020, the day Ms. Chenitz and Ms. Malilis issued the decision, Judge John B. Spooner immediately RESIGNED/RETIRED from his position of over 20 plus years because he too was upset and not in agreeance with what was being done to me. The Judge was already informed by confirmation from United States Department of Homeland Security in Washington, DC that the commission of fraud did exist. New York City Commission on Human Rights issued a decision citing they used the Report and Recommendation from the Trial of Judge John B. Spooner is beyond false. Judge Spooner email on September 16, 2019, indirectly gives me direction on how to proceed, as well as, confirming he did not write the decision by stating the Report & Recommendation is NOT A FINAL DECISION, NYCCHR will WRITE THE FINAL DECISION and I should "APPEAL", followed by a phone call from DHS and USCIS who to confirmed Immigration Fraud.

NEW YORK STATE SUPREME COURT JUDGE KEVIN KERRIGAN – JUDICIAL REVIEW OF AGENCY DECISION

On March 25, 2021, I proceeded to New York State Court Supreme Court, County of Queens and filed a petition REQUESTING JUDICIAL INTERVENTION – Article 78 Special Proceeding to present the Fraudulent Decision/Order rendered by New York City Commissioner on Human Rights. The Special Proceeding was assigned to Judge Kevin Kerrigan for Review & Adjudication. G. Mackie, Attorney with New York City Law Dept., responded on behalf of New York City Commission on Human Rights and denied all the allegations & presented an affirmative defense stating the statute of limitations had expired on the decision that Zoey Chenitz should NEVER have written while having clear knowledge that her employee subpoenaed my Sprint phone records that confirmed my innocence. During the trial I proved my innocence upon review of the subpoenaed phone records and trial transcripts will confirm that Judge John B. Spooner clearly confirmed my innocence. Ms. Chenitz writing the decision violated my rights as the decision is based on the Report & Recommendation that does not discuss the Sprint phone records which was entered into evidence and reviewed by Judge Spooner which confirms the Report & Recommendation WAS NOT written by the Judge.

However, the Report and Recommendation should have been written based upon the trial transcripts which the review of the transcripts by any Judicial Authority too will conclude that Judge Spooner did write the Report & Recommendation, and if so, Judge Spooner did not utilize the trial transcripts or exhibits entered into evidence to write the Report & Recommendation. This too would confirm that such acts are beyond the lawful authority under United States Constitution.

Carmelyn P. Malalis, Commissioner of the Commission on Human Rights in cahoots with NYC Office of Administration Trial & Hearings Commissioner work together to cover up the corruption. OATH renders a Report & Recommendation in favor of NYC Commission on Human Rights without referring to the Sprint Phone Records and has Judge John B. Spooner sign off. Judge Spooner then sends me an email letting me know that the FINAL DECISION will be made by New York City Commission on Human Rights, and I should appeal the decision. Thereafter, Zoey Chenitz renders a decision referring to the Report & Recommendation disregarding all evidence specifically the Sprint phone records which is the KEY EVIDENCE in the matter subpoenaed by Zoey Chenitz office.

Above all, New York City Commission on Human Rights denied me the right to depose the complainant, during trial soon after being entered into evidence the attorneys stole my exhibits. Specifically, the NYPD – Police Reports were stolen from both Phillippe Knabb and Nermina Arnaud the attorneys that put me on trial for fraud which they committed in violations set forth by the United States Department of Homeland Security Regulations to assist an INADMISSIBLE person into the United States. A fact that cannot be argued by any party because both Department of Homeland Security and United States Customs and Immigration Services contacted me confirming the fraud on the very day the Report & Recommendation was issued prior to the Final Decision by Zoey Chenitz. This too is the reason why G. Mackie on behalf of Commission on Human Rights denies all allegations. Not only did the EMPLOYEES of New York City violated my rights but Judge Kevin Kerrigan did to as well by overlooking all my evidence, discussions, and motions for equitable tolling as a result of my attorney's misconduct.

Judge Kerrigan rendered a decision in favor of New York City stating that the petition was filed untimely, although he was aware of the misconduct with the attorney which I hired to respond to the Report & Recommendation. Jonathan Rosenberg, the attorney who represented me for a short time responded to the Report & Recommendation which was followed by the final agency decision that was delayed for

11 months and SHOULD HAVE been written in my favor but was NOT. The response from Mr. Rosenberg clearly addressed the evidence and trial transcripts confirmed my innocence and the decision MUST be rendered in my favor as outlined in the U.S.C. With no regard to my life as a human being the decision was served upon myself and Jonathon Rosenberg on November 25, 2020, via email from Zoey Chenitz, Counsel for NYCCHR knowingly with knowledge of wrongdoing, not only to me, but in violation of the 42 USC 1983, acting under color of law only because she has a personal relationship with Judge Kevin Kerrigan and was aware that the decision would get dismissed for 2 reasons.

The first reason being, my attorney Jonathon Rosenberg dismissed me as his client for no apparent reason which I owed no money nor had a bad relationship on the very day the petition was to be filed in Supreme Court. Mr. Rosenberg appears to have a relationship with the staff at Legal Aid Society and the Green Card application was processed by the Attorney's a total of 6 months prior to the alleged text messages from Mr. Philippe Knabb. During this time, Mr. Knabb was the Supervising Staff Attorney at the Legal Aid Society until December 2017 which he began processing Holly Ondaan's immigration application in July 2017. After leaving The Legal Aid Society and beginning employment with The Commission on Human Rights in January 2018 the application remained opened and Mr. Knabb was unable to complete the fraudulent immigration application. (SEE DETAIL STATEMENT of CLAIM – Section B.

Judge Kerrigan assigned as the Judge to review the Special Proceeding too acted beyond the color of law by dismissing my petition in its entirety in favor of New York City Commission on Human Rights. Please note that Zoey Chenitz represented Judge Kerrigan in a Civil Case and was supposed to RECUSE himself from reviewing the Special Proceeding as they share a familial relationship. The relationship between both Ms. Chenitz and Judge Kerrigan is a conflict of interest as outlined in the U.S.C. and resulted in all evidence, motions (equitable tolling), subpoena's (USCIS) and a personal email about the conflict of interest in reference to Ms. Chenitz all were ignored and subpoenas outright not signed without reasoning. With no regard to the Federal Governments directives that the entire matter is fraud Judge Kerrigan overlooked the entire fraud scheme and refuse to have and discussions.

Finally, I was contacted by a well-known Whistle Blower, Everett Stern and Civil Rights Attorney, Brett Klein who too are interesting in pursuing legal action against New York City on my behalf.

Judge Spooner abrupt retirement/resignation on the day the decision was written became the final confirmation of how malicious New York City has been to me and how disgusted the trial Judge was that such a decision was written referring to him with many lies with no regard to my life as a human and mother with a career. Not allowing me to depose the complaint but conducting a deposition on me was grounds for Judge Kerrigan to overturn the decision even if he did not want to discuss the immigration fraud. Instead, he support his personal friend Zoey Chenitz and dismissed my petition entirely. The act alone confirms that Judge Kerrigan acted beyond the bounds of the law and deprived of my rights under the Constitution.

Please review and compare the dates of the Final Decision, Judge Spooner's resignation emails, call detail from DHS & USCIS, as well as the Sprint phone records against the text messages alleged in the complaint. The review of the text messages against the complaint ALONE by any person too will agree that every party acted under the color of law by willfully depriving me my rights and privileges protected under The United States Constitution. As the Courts to address the matter and restore my life.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Queens, NY
New York, NY

- B. What date and approximate time did the events giving rise to your claim(s) occur?

Violation began July 2017 to
Present as a result of a Immigration
Fraud Scheme Condemned by
Dept. of Homeland Security & USCIS Agents.

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See detailed statement
attached. Employees of NYC Commission of
New York City, US Supreme Court,
Department of Homeland Security
and United States Customs &
Immigration Services.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Terminated from NYC employment,
removed from Civil Service Employment
List, lost of wages for 2.5 years
to include benefits. Unable to gain
employment in profession, financial
hardship from earning one third
of my actual earnings, stress, loss
of weight, hair loss, deprivation of a
normal life, embarrassment,

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Reinstate employment, retro pay of
wages and all benefits. Payment of
\$5,000,000 for damages accrued after
proof of negligence, violation of
bill of my Civil Rights.
Subpoena immigration records for
Holly Ondacin, by contacting USICS
as directed, hold all parties accountable
for violating my rights under Federal Law.
Remove all false statements ONLINE

VI. Certification and Closing


Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____, 2021

Signature of Plaintiff

Dianna Lysius 

Printed Name of Plaintiff

Dianna Lysius